

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

IN RE: )  
 )  
DONALD REGINALD HOLMES ) CASE NO. 11-80164  
CAROLYN ROSS HOLMES, ) CHAPTER 7  
 )  
Debtors. )

**CONSENT ORDER RESOLVING MOTION FOR, AMONG OTHER THINGS,  
RELIEF FROM THE AUTOMATIC STAY**

THIS CAUSE comes on before the undersigned United States Bankruptcy Judge for the Middle District of North Carolina, upon the Motion For, Among Other Things, Relief From the Automatic Stay (herein the "Motion") filed herein on behalf of EquiSource Home Mortgage Corporation (herein "EquiSource") regarding the real property owned by the Debtors located at 2130 Eaton Ferry Road, Littleton, Warren County, North Carolina, together with certain improvements and fixtures located thereon (herein the "Real Property"). The parties have agreed to resolve the Motion on the terms set forth herein as evidenced by their respective signatures set forth below. After having review the Motion and the record in this case, the Court approves such settlement.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. That the Motion is conditionally denied under the terms and conditions as set forth below.

2. In the event that (a) the Trustee has not sold the Real Property within six (6) months from entry of this Consent Order; or (b) the Debtors have not refinanced, subject to Court approval, the Real Property for a sufficient amount to pay all liens and allowed joint unsecured creditors, then the automatic stay is modified to permit EquiSource to prosecute and conclude a foreclosure proceeding with respect to the Real Property, with any net sales proceeds realized by EquiSource in excess of the then current balance due under the Loan Agreement to be paid over to the Trustee.

3. That time is of the essence as to each and all of the provisions of this Consent Order.

4. That this Court shall, and hereby does, retain jurisdiction over this matter, the parties hereto, and the subject matter hereof, to the extent permitted under applicable law, for the entry of such other and further orders as are either necessary or appropriate to accomplish the foregoing.

Debtor: Donald and Carolyn Holmes  
Case No.: 11-80164

**CONSENTED TO AND ACCEPTED:**

KIRSCHBAUM, NANNEY, KEENAN & GRIFFIN, P.A.

By: /s/ Pamela P. Keenan

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By: /s/ John A. Northen

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Chapter 7 Trustee  
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PARTIES TO BE SERVED  
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